

## 21 C.J.S. Courts § 225

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### Courts

M. Elaine Buccieri, J.D.; James Buchwalter, J.D.; Amy G. Gore, J.D., of the staff of the National Legal Research Group, Inc; and Lonnie E. Griffith, Jr., J.D.

### VI. Rules of Adjudication, Decisions, and Opinions

#### B. Stare Decisis

##### 4. Dicta

## § 225. Rulings on issues that are unnecessary to the judgment

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### West's Key Number Digest

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**An adjudication on any point within the issues of the case is not dictum even if the judgment could have been supported on another ground.**

An adjudication on any point within the issues presented by a case is not dictum.<sup>1</sup> This rule applies for all pertinent questions that are presented and decided in the regular course of the consideration of the case and lead to the final conclusion, even those that are only incidentally involved,<sup>2</sup> and to any statement in the opinion concerning a matter on which the decision is predicated.<sup>3</sup> Accordingly, a point that is expressly decided does not lose its value as a precedent because the disposition of the case is made on some other ground<sup>4</sup> or might have been so decided.<sup>5</sup> Similarly, if a case presents two or more points, any one of which resolves the ultimate issue, but the court actually decides all of them, the case is an authoritative precedent on every point decided, and thus, none of the points may be regarded as dictum.<sup>6</sup> One point should not be denied authority merely because another point was more fully argued and considered,<sup>7</sup> nor does a decision on one proposition make statements of the court regarding other propositions dicta.<sup>8</sup>

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### Footnotes

<sup>1</sup> Idaho—Burns v. Lukens, 46 Idaho 603, 269 P. 596 (1928).

Iowa—Perfection Tire & Rubber Co. v. Kellogg-Mackay Equipment Co., 194 Iowa 523, 187 N.W. 32 (1922).

Ky.—Board of Educ. of Louisville v. Board of Educ. for Jefferson County, 265 Ky. 447, 97 S.W.2d 11 (1936).

Mo.—Sutton v. Anderson, 326 Mo. 304, 31 S.W.2d 1026 (1930).

Wis.—State v. Carchidi, 187 Wis. 438, 204 N.W. 473 (1925).

**Certified question**

When the District of Columbia Court of Appeals, in response to a federal court's certification of a question of local law, exercises its prerogative to frame the basic issues as it sees fit for an informed decision, the answers the court gives to questions that were not certified are not dicta and have stare decisis effect.

D.C.—District of Columbia v. Beretta, U.S.A., Corp., 872 A.2d 633 (D.C. 2005).

2 Haw.—Robinson v. Ariyoshi, 65 Haw. 641, 658 P.2d 287 (1982).

Mich.—City of Detroit v. Public Utilities Com'n, 288 Mich. 267, 286 N.W. 368 (1939).

Wis.—Luhman v. Beecher, 144 Wis. 2d 781, 424 N.W.2d 753 (Ct. App. 1988).

3 Fla.—Therrell v. Reilly, 111 Fla. 805, 151 So. 305 (1932).

4 Mo.—In re Moody's Estate, 229 Mo. App. 625, 83 S.W.2d 141 (1935).

Neb.—Sawyer v. Sovereign Camp, W.O.W., 112 Neb. 821, 201 N.W. 652 (1924).

5 Fla.—Parsons v. Federal Realty Corp., 105 Fla. 105, 143 So. 912, 88 A.L.R. 275 (1931).

Ky.—Swiss Oil Corporation v. Shanks, 208 Ky. 64, 270 S.W. 478 (1925), *aff'd*, 273 U.S. 407, 47 S. Ct. 393, 71 L. Ed. 709 (1927).

Md.—Schmidt v. Prince George's Hosp., 366 Md. 535, 784 A.2d 1112 (2001).

N.M.—Baca v. Chavez, 1927-NMSC-014, 32 N.M. 210, 252 P. 987 (1927).

6 U.S.—Woods v. Interstate Realty Co., 337 U.S. 535, 69 S. Ct. 1235, 93 L. Ed. 1524 (1949); U.S. v. Title Insurance & Trust Co., 265 U.S. 472, 44 S. Ct. 621, 68 L. Ed. 1110 (1924).

Cal.—Coombes v. Getz, 217 Cal. 320, 18 P.2d 939 (1933).

Fla.—Parsons v. Federal Realty Corp., 105 Fla. 105, 143 So. 912, 88 A.L.R. 275 (1931).

Iowa—Galvin v. Citizens' Bank of Pleasantville, 217 Iowa 494, 250 N.W. 729 (1933).

Pa.—Miller v. Com., Bd. of Property, 111 Pa. Commw. 240, 533 A.2d 819 (1987).

Utah—Jones v. Mutual Creamery Co., 81 Utah 223, 17 P.2d 256, 85 A.L.R. 908 (1932).

7 U.S.—Richmond Screw Anchor Co. v. U.S., 275 U.S. 331, 48 S. Ct. 194, 72 L. Ed. 303 (1928).

8 Iowa—Galvin v. Citizens' Bank of Pleasantville, 217 Iowa 494, 250 N.W. 729 (1933).